

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Guy Pfalzgraff, and Ed Sisson, along with City Manager Joe Kerby. City Attorney Mike Schottelkotte was absent. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

Manager Kerby stated that the contract with Agricultural Service Company is not ready to be approved. Therefore, Item G will be removed from the Agenda.

Minutes

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the minutes of July 5, 2011, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Chamber of Commerce Director Linda Sanchez thanked the City employees who worked so hard to make Deltarado Days a success last weekend.

Delta Area Chamber of Commerce Street Closure Permit Application: NAPA Block Party

The Clerk reported that the Chamber of Commerce has submitted a street closure permit application for a block party planned for July 29, 2011. They are asking for closure of 9th Street from the alley just west of Main Street to Palmer Street from 4:00 p.m. to 8:00 p.m. for the event. The application fee and deposit have been submitted, along with proof of insurance and responses to some questions the Chief of Police had concerning public safety. Staff recommended approval of the application.

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to approve the Chamber of Commerce street closure permit application for West 9th Street on July 29, 2011. All in favor, motion carried.

Resolution #3, 2011; Authorizing Acquisition of Certain Real Property (220 W. 11th St.) from Francisco Saenz for the Confluence Drive Project

Resolution #3, 2011

A RESOLUTION OF THE CITY OF DELTA AUTHORIZING THE ACQUISITION
OF CERTAIN REAL PROPERTY FROM FRANCISCO SAENZ FOR THE
CONFLUENCE DRIVE PROJECT

was read by the Clerk.

Public Works Director Jim Hatheway explained that this resolution authorizes the City Manager to execute a contract for the purchase of property at 220 West 11th Street from Francisco Saenz for the Confluence Drive Project. Manager Kerby added that the resolution also authorizes staff and the City Attorney to initiate eminent domain proceedings if Mr. Saenz is unwilling or unable to convey unencumbered title to the property to the City on or before August 19, 2011.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to adopt Resolution 33, 2011. Roll call vote: Councilmembers Pfalzgraff, aye; Raley, aye; Jurca, aye; Sisson, aye; and Cooper, aye. Motion carried.

Contract to Buy & Sell Property: Producers COOP; 701 Silver Street

The Public Works Director presented a contract to purchase property owned by Producers COOP located at 701 Silver Street for the Confluence Drive Project for \$500,000. Mr. Hatheway explained that this property consists of a railroad spur which has provided Producers COOP access to the Union Pacific Railroad.

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Contract to Buy & Sell Property: Producers COOP; 701 Silver Street (Cont.)

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Raley to authorize the City Manager to execute the contract to purchase the property at 701 Silver Street from Producer's COOP for \$500,000. All in favor, motion carried.

Contract to Buy & Sell Property: Delta Holding Group, LLC; 430 W. 8th Street

Mr. Hatheway presented a contract to purchase property from Delta Holding Group, LLC, which provides rail access for Skyland at 430 West 8th Street for \$360,000 for the Confluence Drive Project. In addition, Delta Holding Group agrees to donate approximately 800 square feet located at the same address for the project. It will be necessary for Council to approve contracts for both transactions.

It was moved by Councilmember Pfalzgraff and by Councilmember Jurca to authorize the City Manager to sign the contract with Delta Holding Group, LLC to purchase the property at 430 W. 8th Street for \$360,000. All in favor, motion carried.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to authorize the City Manager to execute the contract with Delta Holding Group, LLC for the property donation. All in favor, motion carried.

Contract to Buy & Sell Property: Skyland Group, LLC; SW Corner of Intersection at Confluence Drive & Bridge Street

The Public Works Director presented a contract with Skyland Group, LLC, to purchase a two acre parcel located at the southwest corner of the intersection at Confluence Drive and Bridge Street for the Confluence Drive Project. The purchase price is \$110,500

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to authorize the City Manager to sign the contract with Skyland Group, LLC to purchase the property at the southwest corner of the intersection at Confluence Drive and Bridge Street for \$110,500. All in favor, motion carried.

Agreement to Amend/Extend Contract: Deloris Triantos; Property Located on West 8th Street

Mayor Cooper recused herself from discussion and decision-making regarding this property and left the room, as she has for other properties owned by the Triantos family. Mayor Pro Tem Pfalzgraff presided over this portion of the meeting.

Mr. Hatheway explained that this property located on West 8th Street, which the City is purchasing from the Triantos family, was to have been cleared by July 31, allowing for a closing date in mid August. The seller has asked for a 30 day extension of the contract to allow for completion of the removal all items from the property. The amendment to the contract would extend the deadline for removal to August 31, with a closing date in mid September.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to authorize the City Manager to sign the amendment extending the deadline for clearing the property of personal items to August 31. All in favor, motion carried.

Mayor Cooper returned to her seat at the Council table.

Truck Route Design Change Order

The Public Works Director noted that the change order was discussed during the Work Session held prior to the meeting. He explained that the change order is necessary due to ongoing changes in the project, unexpected circumstances with property owners, and modifications required by outside entities such as the railroad and CDOT. The additional work needed, which was outlined during the Work Session, is expected not to exceed \$499,976.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the truck route design change order in an amount not to exceed \$499,976. All in favor, motion carried.

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Wastewater Treatment Plant Aeration System and Digester Cover Design

Utilities Director Steve Glammeyer explained that funds to design a new aeration system and cover for the digesters at the wastewater treatment plant were budgeted in 2011. Five proposals were received from qualified engineering firms as follows:

<u>Firm</u>	<u>Cost</u>
Souder, Miller & Assoc. (SMA)	\$19,826
Schmueser/Gordon/Meyer (SGM)	\$29,745
Stantec Consulting	\$56,425
Jacobs Engineering	\$74,827
URS	\$78,353

Mr. Glammeyer explained that low bidder SMA did not follow the requirements outlined in the RFP, which could have automatically disqualified them. However, staff reviewed the proposal anyway to see if SMA would be able to complete the project adequately. For several reasons, it was felt that SMA's proposal did not cover the scope of the project. Therefore, it is recommended that the City enter into a contract with SGM, the next lowest bidder, for the aeration system and digester cover design.

It was moved by Councilmember Sisson and seconded by Councilmember Pfalzgraff that the City enter into a contract with Schmueser/Gordon/Meyer and authorize the City Manager to sign the contract, pending approval from the City Attorney. All in favor, motion carried.

2010 Audit Report

Timothy Mayberry of Johnson, Holscher & Company, LLC, presented the 2010 Audit and answered questions from Council.

Second Quarter Financial Report

Finance Director Tod DeZeeuw presented the financial report for the second quarter of 2011.

Resolution #4, 2011: Amendments to Cemetery Regulations

Resolution #4, 2011

A RESOLUTION OF THE CITY OF DELTA, COLORADO, AMENDING
SECTIONS 4.1.7, 4.1.11, AND 4.1.14 OF THE CEMETERY REGULATIONS

was read by the Clerk.

Parks Director Paul Suppes explained that the amendments contained in the resolution were discussed and approved at the previous meeting. Staff is now presenting them in resolution form for formal approval.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Resolution #4, 2011. Roll call vote: Councilmembers Pfalzgraff, aye; Raley, aye; Jurca, aye; Sisson, aye; and Cooper, aye. Motion carried.

Management Agreement for Hansen House/Senior Citizens Center

Manager Kerby reported that he had recently concluded meetings with Larry Davidson and Chris Miller, representing the Delta Senior Citizens, Inc. concerning the management agreement for Hansen House, also known as the Senior Citizens Center. The agreement now before Council contains elements of the previous agreement and clarifies the relationship between the City and the Senior Citizens. It has already been approved by the Senior Citizens and signed by their president. He asked Council to approve the agreement and authorize the Mayor to sign it.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember seconded by Councilmember Sisson to approve the management agreement for Hanson House and authorize the Mayor to sign it. All in favor, motion carried.

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Participation in November Coordinated Election

The City Manager explained that if the City wishes to have an issue on the ballot at the Coordinated Election being conducted by the County on November 1, 2011, we must notify the County Clerk by July 22. He stated that he sees the potential for ballot issues and would like to keep the option open. If the City does decide to participate, an intergovernmental agreement with the County must be signed by August 23, 2011.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to notify the County Clerk that the City anticipates participating in the November 1st Coordinated Election. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

The City Manager reported the following:

- Friday, July 22, will be Acting City Clerk Lynn Williams' last day. He thanked Ms. William for her assistance.
- Mr. Kerby congratulated the City employees who assisted in the Deltarado Days celebration last weekend.
- Utilities Director Steve Glammeyer and Police Chief Robert Thomas both attended conferences recently.
- The concrete replacement project for 2011 will soon be underway.
- Hibbet Sports will soon be opening on Valley View Drive.
- Business After Hours will be hosted by Phillips Machine on Thursday, July 21.
- The City Manager distributed a list of names recommended for membership on the Citizens Task Force.

Councilmember Comments

Councilmember Pfalzgraff reported that the election held on July 12 upheld Council's earlier action concerning medical marijuana dispensaries. He added that attendees at his recent class reunion commented favorably concerning the appearance of our Main Street and street flowers.

Councilmember Raley asked how Mr. Kerby would like to proceed with the appointment of members to the Citizens Task Force. Council agreed to review the list of names provided by the City Manager and make their recommendations to him.

Councilmember Sisson commented on a successful Deltarado Days celebration.

Executive Session

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to convene an Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a) and for the purpose of instructing negotiators under CRS Section 24-6-402(4)(c), more specifically pertaining to the possible sale of property at 201 Kellogg, and pertaining to the purchase of right-of-way for the truck bypass (Confluence Drive) project and the possible purchase of open space property; and to discuss a personnel matter under CRS Section 24-6-402(4)(f) not involving any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 7:59 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:33 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Ed Sisson, Bill Raley, Guy Pfalzgraff and Robert Jurca; and City Manager Joe Kerby. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not

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Executive Session (Cont.)

included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned

Mary Lynn Williams, Acting City Clerk